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Approved For Release 2005/06/06 : CIA-RDP79M00467A001100190010-9

INSPECTOR GENERAL

76-2940

Executive Registry

76-8854/3

E-21

13 September 1976

MEMORANDUM FOR: Deputy Director of Central Intelligence
FROM: John H. Waller
Inspector General
SUBJECT: Letter for [redacted]
Inspector General of NSA

25X1

1. Attached (Attachment A) is a letter from me to
NSA's Inspector General which, if you approve, I shall send
off. It is a follow up of my meeting with [redacted]
an account of which I sent to [redacted] (see
Attachment B). This letter was drafted in collaboration
with OGC.

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2. Because it is related, I have also attached
(Attachment C) a draft letter addressed to Deputy Secretary
Ellsworth, prepared and sent to you by OGC for your approval.
This is not my action, but its tone and substance do not
seem inconsistent with my letter to [redacted]

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3. Also attached (Attachment D), for background
and ease of reference, is the letter from Mr. Ellsworth
to the DCI, General Allen's letter to the DCI and the DCI's
response to General Allen.

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[redacted]
John H. Waller

Attachments - 4

Attachments A - D

E-21

(EXECUTIVE REGISTRY FILE)

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JAB A

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WASHINGTON, D.C. 20505

13 September 1976

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[Redacted]
Inspector General
National Security Agency
Fort George C. Meade, Maryland 20755

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Dear [Redacted]

Thank you for the opportunity to discuss with you and your staff the implementation of Executive Order 11905 in the SIGINT field and the mechanisms employed by our respective agencies to ensure compliance with the order. Our reception at the meeting at NSA on 1 September 1976 was extremely cordial, and I found our discussions to be frank, informative and constructive.

Our Agency, of course, shares the concern of your Director, Lieutenant General Allen, that all U.S. SIGINT activities are in compliance with the executive order and with procedures promulgated pursuant to the order by the Attorney General. At the same time, we hope you recognize that certain legal limitations and authorities unique to CIA, as well as operational differences between our agencies, dictate a slightly different approach to this Agency's SIGINT operations. In recognition of these differences, the Attorney General is developing guidelines based on USSID-18, but directed specifically at CIA, which are expected in final form imminently. I shall make this available to you for your information. The new guidelines are not expected to conflict with USSID-18. Pending final action by the Attorney General, CIA is operating with the approval of the Attorney General under interim CIA guidelines which parallel those contained in USSID-18.

As I explained at our meeting, CIA has undertaken a number of measures to ensure compliance with its obligation in the SIGINT collection field. For example, [Redacted]

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[Redacted] are in possession of comprehensive internal instructions based on Executive Order 11905 and interim Attorney General guidelines based on USSID-18. In addition, my office is undertaking component inspections which will check CIA's compliance and compliance systems for SIGINT operations within CIA. Future

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field inspections will include a review of SIGINT collection activities on site. CIA's inspection system appears comparable to NSA's, as you described it. As a practical matter, moreover, almost all of CIA-collected SIGINT is passed to NSA for publication. NSA, therefore, has an opportunity and obligation to screen CIA's SIGINT product against USSID-18 guidelines before publishing it. Any improper or illegal items would be called to CIA's attention and would be withheld from publication. In view of the triple check of CIA-collected SIGINT -- first in the field at the point of collection, second in CIA Headquarters and third by NSA before publishing it -- it was unlikely that there would be any improper SIGINT reported from CIA.

I hope we answered adequately your questions concerning SIGINT procedures of CIA and my office in particular. If you need further information, however, please feel free to contact me, and further meetings will be scheduled, if necessary.

Sincerely,



John "H." Waller
Inspector General

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3 September 1976

MEMORANDUM OF CONVERSATION

SUBJECT: Compliance with Executive Order 11905
in the SIGINT Field

TIME AND PLACE: NSA Headquarters, Fort Meade, Office of
NSA Inspector General, [redacted]
1 September 1976 from 1100 hours - 1230
hours

PARTICIPANTS: For CIA:

Mr. John H. Waller, Inspector General

Mr. [redacted]

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For NSA:

[redacted] Inspector General

Deputy Inspector General

General Counsel

Two additional members of the NSA
Inspection Staff

REFERENCES:

- (1) Memorandum for the DCI from Mr. Robert Ellsworth, Deputy Director of Defense dated 14 July 1976 Entitled "Conduct of SIGINT Activities"
- (2) Letter to the DCI from Lt. General Lew Allen, Jr. dated 17 August 1976 Concerning Compliance with EO 11905 in the SIGINT Field (IG 76-2804)
- (3) Letter of Response from the DCI to Lt. General Allen dated 25 August 1976 (ER 76-9854/A)

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1. [redacted], as NSA Inspector General, chaired the meeting. The essence of his opening remarks were that Lieutenant General Lew Allen considers that he, as top SIGINT operational manager with legal guidelines for SIGINT collection

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from the Attorney General in the form of a revised USSID-18, has the obligation to implement USSID-18, and has a responsibility to make certain that other SIGINT collectors such as CIA, the Army, Air Force, Navy and FBI, are in compliance with it.

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2. Mr. Waller and [redacted] described how CIA, too, had been working closely with the Office of the Attorney General in arriving at additional guidelines for CIA's SIGINT collection activities. Such guidance is expected imminently. Special guidance geared to CIA is required because of collection methods and systems, as well as legal responsibilities under EO 11905 which are unique to CIA. CIA's guidelines will be more restrictive than USSID-18 and, in any case, will supplement but not be inconsistent with USSID-18. Pending the completed guidelines from the Attorney General, CIA is operating with the approval of the Attorney General on the basis of interim CIA guidelines which parallel those contained in USSID-18. Mr. Waller agreed to send NSA a copy of the final guidelines when they are received.

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3. [redacted] asked if CIA would be willing to share with NSA information contained in IG reports on SIGINT illegalities and improprieties, as provided quarterly to the Intelligence Oversight Board. NSA would like to receive even negative reports. Mr. Waller replied that this would not be desirable as a matter of principle in view of the confidentiality of IG reports.

4. As a practical matter, however, almost all of CIA-collected SIGINT is passed to NSA for publication by that body. NSA, therefore, has an opportunity and obligation to screen CIA's SIGINT product against USSID-18 guidelines before publishing it. Any improper or illegal items would be called to CIA's attention and would be withheld from publication. In view of the triple check of CIA-collected SIGINT -- first in the field at the point of collection, second in CIA Headquarters and third by NSA before publishing it -- it was unlikely that there would be any improper SIGINT reported from CIA. It was also pointed out that USSID-18 is permissive in describing those intercepts which may be forwarded to NSA. The restrictive provisions are those which pertain to that information which may be published.

5. It was explained that all of CIA's 26 collection stations are in possession of guidance based on EO 11905 and USSID-18, interim Attorney General guidelines, and a handbook of comprehensive instructions called COIM.

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6. It was further explained that component inspections for compliance with EO 11905 would check CIA's compliance and compliance system for SIGINT within CIA. Future field inspections would also include a review of SIGINT collection activities on site.

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7. NSA's inspection system was described by Mr. [redacted] as comparable to CIA's.

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8. [redacted] made reference to the requirement that NSA report yearly to the Attorney General statistics of SIGINT intercept violations, and asked if CIA followed the same procedure. [redacted] stated that CIA had only three end-product reporting

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[redacted] -- and that we will follow the same procedures in these cases.

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9. [redacted] asked what our procedures were if an Ambassador pressed a station chief to restore an identity deleted from a dissemination in conformity with the Attorney General's guidance. If the Ambassador persisted, Mr. Waller explained, the matter would be adjudicated in Washington between the CIA and State Department, with Attorney General assistance being solicited as required.

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10. NSA did not press its request for access to CIA Inspector General or Office of General Counsel quarterly reports to the IOB as they involved SIGINT and seemed to be satisfied with CIA's procedures to insure compliance with EO 11905.

(signed)
John H. Waller

John H. Waller
CIA Inspector General

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cc: D/DCI/IC w/3 references attached
SA/DDCI [redacted] w/3 references attached
AC/Div D/DOU w/3 references attached
OGC [redacted] w/3 references attached

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✓ IG Chrono w/3 references attached
✓ IG Subject Chrono (IOB Community IG's) w/3 references attached
IJ Chrono w/3 references attached

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JAC

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Mr. Robert Ellsworth
Deputy Secretary of Defense
Washington, D.C. 20301

Dear Mr. Ellsworth:

We have in hand your memorandum of 14 July 1976 to our Director concerning the conduct of SIGINT activities. In your memorandum, you state that all departments and agencies authorized to conduct SIGINT activities are to be guided by procedures approved by the Attorney General and published by the Director, NSA, in United States Signals Intelligence Directive (USSID-18). Subsequently, on 17 August 1976, the Director, NSA, in another memorandum to our Director, proposed that in light of your memorandum, the Inspectors General of CIA and NSA be tasked to develop jointly a plan of action to ensure that the procedures in USSID-18 are followed carefully and that each of the concerned departments have mechanisms to assure full compliance. The purpose of this letter is to clarify misconception which apparently exists concerning the applicability of the USSID-18 guidelines to CIA SIGINT activities.

This Agency, of course, shares your concern that all U.S. SIGINT activities are in compliance with Executive Order 11905 and with procedures promulgated pursuant to the Order by the Attorney General. At the same time, however, you should be aware that certain legal limitations and authorities unique to CIA as well as operational differences between CIA and other agencies which conduct SIGINT activities dictate a slightly different approach to CIA's SIGINT operations. The Attorney General's procedures incorporated within USSID-18 are specifically directed to NSA. Although CIA is currently operating under other Attorney General procedures which require, as an interim measure, that CIA practices parallel those contained in USSID-18, the Attorney General, in recognition of the differences noted above, is developing new guidelines based on USSID-18 but directed specifically at CIA. Attorney General finalization of these guidelines is imminent.



In any event, the new Attorney General procedures applicable to CIA will not conflict with the procedures incorporated in USSID-18. We will be happy to provide copies of the procedures when they become effective. Moreover, CIA has and will continue to establish appropriate internal mechanisms and instructions to ensure that its obligations under the executive order and relevant Attorney General procedures are being met. Recently, in this regard, in response to the request of the Director, NSA, mentioned above, the Inspectors General of CIA and NSA met to compare their respective control mechanisms with highly reassuring results. We would be more than happy to schedule additional meetings with NSA to discuss this matter further.

Sincerely,

E. H. Knoche
Deputy Director

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EXECUTIVE SECRETARIAT

Routing Slip

JG

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI		X		
3	D/DCI/IC		X		
4	DDS&T				
5	DDI				
6	DDA				
7	DDO		X		
8	D/DCI/NI				
9	GC		X		
10	LC				
11	IG	X			
12	Compt				
13	D/Pers				
14	D/S				
15	DTR				
16	Asst/DCI				
17	AO/DCI				
18	C/IPS				
19	DCI/SS				
20					
21					
22					
	SUSPENSE				
		Date			

Remarks:

I checked with NSA and they intend for the attached to be unclassified. It is, however, related to the Top Secret 14 July memo which I attach for reference. You may wish to mention it at the morning meeting.

19 Aug 76

Date

3637 (7-76)

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CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Executive Registry
76-9854

Serial: N1026
17 August 1976

INSPECTOR GENERAL

76-2804

The Honorable George Bush
Director, Central Intelligence Agency
Langley, Virginia

Dear Mr. Bush:

In his memorandum of 14 July 1976, Deputy Secretary of Defense Ellsworth advised of the necessity for insuring that all SIGINT activities conducted by the government are in conformity with E.O. 11905 and with specific procedures provided to the Director of the National Security Agency by the Attorney General. These procedures have been promulgated by NSA in USSID 18.

I am confident that you share my concern, as the manager of U.S. SIGINT activities, that these procedures are followed carefully and that each of the concerned departments and agencies have mechanisms to assure full compliance. To that end I propose that our Inspectors General be tasked to develop jointly a plan of action for our mutual approval.

If you agree, I suggest that your Inspector General contact mine, [redacted] (688-6666) so that they can proceed accordingly.

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Sincerely,

LEW ALLEN, JR.
Lieutenant General, USAF
Director, NSA/Chief, CSS

Copy Furnished:
IG, DEF INTEL

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

76-9854/A

INSPECTOR GENERAL

76-2819

25 AUG 1976

Lieutenant General Lew Allen, USAF
Director, NSA/Chief, CSS
National Security Agency
Central Security Service
Fort George G. Meade, Maryland 20755

Lew
Dear General Allen:

Thank you for your letter of 17 August 1976
(Serial: N1026) suggesting that the Inspectors
General of NSA and CIA consult and jointly develop
a plan to insure compliance with Executive Order
11905 in the SIGINT field.

I have asked my Inspector General, Mr.
John H. Waller, to meet with [redacted]
Jr., Inspector General of NSA, to discuss this
matter. They plan to have an initial meeting on
1 September 1976.

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Sincerely,

/s/ George Bush

George Bush
Director

IG:JHWALLER:nj (RI252)

24 August 1976

Distribution:

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